

Introduced by Senator Ortiz
(Principal coauthor: Senator Cox)
(Principal coauthors: Assembly Members Jones and Niello)

February 16, 2005

An act to amend Section 12670.11 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 347, as introduced, Ortiz. Flood control: American River flood damage reduction project.

(1) Existing law adopts and authorizes the project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the Department of Water Resources or the Reclamation Board.

This bill would provide that the project includes the instruction of a new bridge with an estimated cost of \$66,000,000, of which \$36,000,000 is allocated to flood damage reduction and dam safety. The bill would require the state to fund its share of the \$36,000,000 that is allocated to flood damage reduction. The bill would require the City of Folsom to serve as the nonfederal sponsor of the bridge and to enter into a specified agreement with the department. By imposing requirements on the City of Folsom, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12670.11 of the Water Code is amended
2 to read:
3 12670.11. (a) The project for flood damage reduction and
4 environmental restoration in the American River watershed in
5 Sacramento County is adopted and authorized substantially in
6 accordance with Congressional approval and the final report of
7 the Chief of Engineers dated November 5, 2002, as authorized by
8 Section 128 of the Energy and Water Development
9 Appropriations Act, 2004 (P.L. 108-137), at an estimated cost to
10 the state of the sum that may be appropriated for state
11 cooperation by statute, upon the recommendation and advice of
12 the department or the Reclamation Board. *The project includes*
13 *the construction of a new bridge with an estimated cost of*
14 *sixty-six million dollars (\$66,000,000), of which thirty-six*
15 *million dollars (\$36,000,000) is allocated to flood damage*
16 *reduction and dam safety. The state shall fund its share of the*
17 *portion of the thirty-six million dollars (\$36,000,000) that is*
18 *allocated to flood damage reduction.*
19 (b) The Sacramento Area Flood Control Agency shall enter
20 into an agreement with the department pursuant to which the
21 agency agrees to indemnify and hold and save harmless the state,
22 its officers, agents, and employees for any and all liability for
23 damages that may arise out of the planning, design, construction,
24 operation, maintenance, repair, and rehabilitation of the project.
25 (c) *The City of Folsom shall serve as the nonfederal sponsor*
26 *of the bridge authorized as part of the project and shall enter*
27 *into an agreement with the department to receive the state's*
28 *proportionate share of the cost of the bridge and to indemnify*
29 *and hold and save harmless the state, its officers, agents, and*
30 *employees for any and all liability for damages that may arise*

1 *out of the planning, design, construction, operation,*
2 *maintenance, repair, and rehabilitation of the bridge.*

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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